

Introduced by Senator Escutia

December 2, 2002

An act to amend Sections 42239 and 42239.1 of, to add Sections 37252.5 and 37252.6 to, and to repeal Sections 37252.2 and 37252.8 of, the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 19, as amended, Escutia. Supplemental instruction.

(1) ~~Existing law requires a school district to offer supplemental instruction to pupils in grades 2 to 9, inclusive, who are recommended for retention or who are retained in the same grade.~~

~~This bill would additionally authorize a school district to offer supplemental instruction to pupils in grades 2 to 6, inclusive, who are at risk of retention.~~

~~(2) Existing law requires a school district to offer, and authorize a charter school to offer, programs of direct, systematic, and intensive supplemental instruction to pupils in grades 2 to 6, inclusive, who are either deficient in mathematics, reading, or written expression based on the results of statewide achievement tests or at risk of retention in the same grade. Existing law limits the amount of funding a school district may receive for this instruction.~~

~~This bill would remove the authorization to provide funding limitation for supplemental educational services instruction to a pupil based solely on his or her being who is at risk of retention in the same grade. The bill and would revise the funding limitation for supplemental instruction and would make conforming changes in~~

~~related provisions~~ for a pupil who is deficient in mathematics, reading, or written expression.

(2) Existing law authorizes the Superintendent of Public Instruction to compute funding for supplemental instruction for each school district and charter school. Existing law provides that if appropriated funding is insufficient to pay all claims made in any fiscal year pursuant to specified provisions, the superintendent is required to use available funding from other specified sources to pay the claims, including funding for supplemental instruction from the current or prior fiscal year.

This bill would require the superintendent, 30 days before using the available funding from the other sources, to notify the Director of Finance, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 37252.2 of the Education Code is
2 repealed.

3 SEC. 2. Section 37252.5 is added to the Education Code, to
4 read:

5 37252.5. (a) The governing board of each district
6 maintaining any or all of grades 2 to 9, inclusive, shall offer, and
7 a charter school may offer, programs of direct, systematic, and
8 intensive supplemental instruction to pupils enrolled in grades 2
9 to 9, inclusive, who are recommended for retention or who are
10 retained pursuant to Section 48070.5. A school district or charter
11 school may require a pupil who is retained to participate in
12 supplemental instructional programs. Notwithstanding the
13 requirements of this section, the school district or charter school
14 shall provide a mechanism for a parent or guardian to decline to
15 enroll his or her child in the program. Attendance in supplemental
16 instructional programs is not compulsory within the meaning of
17 Section 48200.

18 (b) The governing board of each district maintaining any or all
19 of grades 2 to 6, inclusive, and each charter school, may offer
20 direct, systematic, and intensive supplemental instruction to pupils
21 enrolled in any of grades 2 to 6, inclusive, who are identified as
22 being at risk of retention pursuant to Section 48070.5.



(c) Supplemental educational services pursuant to subdivisions (a) and (b) may be offered during the summer, before school, after school, on Saturdays, or during intersession, or in a combination of summer school, before school, after school, on Saturday, or intersession instruction. Services may not be provided during the pupil's regular instructional day. Any minor pupil whose parent or guardian informs the school district that the pupil is unable to attend a Saturday school program for religious reasons, or any pupil 18 years of age or older who states that he or she is unable to attend a Saturday school program for religious reasons, shall be given priority for enrollment in supplemental instruction offered at a time other than Saturday over a pupil who is not unable to attend a Saturday school program for religious reasons.

(d) For purposes of this section, a pupil shall be considered to be enrolled in a grade immediately upon completion of the preceding grade. Summer school instruction may also be offered to otherwise eligible pupils who were enrolled in grade 6 or 9 during the prior school year.

(e) Each school district or charter school shall use results from tests administered under the Standardized Testing and Reporting Program, established pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 or other evaluative criteria to identify eligible pupils pursuant to subdivision (b).

(f) An intensive remedial program in reading or written expression offered pursuant to this section shall, as needed, include instruction in phoneme awareness, systematic explicit phonics and decoding, word attack skills, spelling and vocabulary, explicit instruction in reading comprehension, writing, and study skills.

(g) Each school district or charter school shall seek the active involvement of parents, guardians, and classroom teachers in the development and implementation of supplemental instructional programs provided pursuant to this section.

(h) It is the intent of the Legislature that pupils who are at risk of failing to meet state adopted standards, or who are at risk of retention, be identified as early in the school year and as early in their school careers as possible, and be provided the opportunity for supplemental instruction sufficient to assist them in attaining expected levels of academic achievement.

(i) Notwithstanding any other provision of law, neither the State Board of Education nor the Superintendent of Public Instruction may waive any provision of this section.

SEC. 3. Section 37252.6 is added to the Education Code, to read:

37252.6. (a) The governing board of each school district maintaining any or all of grades 2 to 6, inclusive, and any charter school may offer programs of direct, systematic, and intensive supplemental instruction to pupils enrolled in grades 2 to 6, inclusive, who are identified as having a deficiency in mathematics, reading, or written expression based on the results of any test administered under the Standardized Testing and Reporting Program established pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33.

(b) Supplemental educational services offered pursuant to this section may be offered during the summer, before school, after school, on Saturdays, or during intersession, or in a combination of summer school, before school, after school, on Saturday, or intersession instruction. Services may not be provided during the pupil's regular instructional day. Any minor pupil whose parent or guardian informs the school district that the pupil is unable to attend a Saturday school program for religious reasons, or any pupil 18 years of age or older who states that he or she is unable to attend a Saturday school program for religious reasons, shall be given priority for enrollment in supplemental instruction offered at a time other than Saturday, over a pupil who is not unable to attend a Saturday school program for religious reasons.

(c) For purposes of this section, a pupil shall be considered to be enrolled in a grade immediately upon completion of the preceding grade. Summer school instruction may also be offered to pupils who were enrolled in grade 6 during the prior school year.

(d) An intensive remedial program in reading or written expression offered pursuant to this section shall, as needed, include instruction in phoneme awareness, systematic explicit phonics and decoding, word attack skills, spelling and vocabulary, explicit instruction in reading comprehension, writing, and study skills.

(e) Each school district or charter school shall seek the active involvement of parents, guardians, and classroom teachers in the

1 development and implementation of supplemental instructional
2 programs provided pursuant to this section.

3 (f) It is the intent of the Legislature that pupils who are at risk
4 of failing to meet state adopted standards, or who are at risk of
5 retention, be identified as early in the school year and as early in
6 their school careers as possible, and be provided the opportunity
7 for supplemental instruction sufficient to assist them in attaining
8 expected levels of academic achievement.

9 (g) (1) The maximum amount of funding for the purposes of
10 programs offered pursuant to this section to serve pupils in grades
11 2 to 6, inclusive, may not exceed 5 percent of the statewide total
12 enrollment in grades 2 to 6, inclusive, for the prior fiscal year
13 multiplied by 120 hours, multiplied by the hourly rate for the
14 current fiscal year as determined pursuant to subdivision (c) of
15 Section 42239.

16 (2) A school district or charter school that offers instruction
17 pursuant to this section is entitled to receive reimbursement in an
18 amount up to 5 percent of the district's or charter school's total
19 enrollment in grades 2 to 6, inclusive, for the prior fiscal year
20 multiplied by 120 hours, multiplied by the hourly rate for the
21 current fiscal year as determined pursuant to subdivision (c) of
22 Section 42239.

23 (h) Notwithstanding any other provision of law, neither the
24 State Board of Education nor the Superintendent of Public
25 Instruction may waive any provision of this section.

26 SEC. 4. Section 37252.8 of the Education Code is repealed.

27 SEC. 5. Section 42239 of the Education Code is amended to
28 read:

29 42239. For the 2000–01 fiscal year, and each fiscal year
30 thereafter, the Superintendent of Public Instruction shall compute
31 funding for supplemental instruction for each school district or
32 charter school in the following manner:

33 (a) Multiply the number of pupil hours of supplemental
34 instruction claimed pursuant to Sections 37252 and 37252.5 by the
35 pupil hour allowance specified in subdivision (c) or by a pupil hour
36 allowance specified in the annual Budget Act instead of the
37 amount computed in subdivision (c).

38 (b) Multiply the number of pupil hours of supplemental
39 instruction claimed pursuant to Sections 37252.6 and 37253 by the
40 pupil hour allowance specified in subdivision (c) or by a per-pupil

1 hour allowance specified in the annual Budget Act instead of the
2 amount computed in subdivision (c). The total number of pupil
3 hours of supplemental instruction that may be claimed pursuant to
4 Section 37253 may not exceed the limits on pupil hours that may
5 be claimed as established by subdivisions (c) and (d) of Section
6 37253. The total number of pupil hours of supplemental
7 instruction that may be claimed pursuant to Section 37252.6 may
8 not exceed the limits on pupil hours that may be claimed as
9 established in subdivision (g) of that section.

10 (c) Commencing with the 2000–01 fiscal year, hours of
11 supplemental instruction shall be reimbursed at a rate of three
12 dollars and twenty-five cents (\$3.25) per pupil hour, adjusted in
13 future years as specified in this section, provided that a different
14 reimbursement rate may be specified for each fiscal year in the
15 annual Budget Act that appropriates funding for that fiscal year.
16 This amount shall be increased annually by the percentage
17 increase pursuant to subdivision (b) of Section 42238.1 granted to
18 school districts or charter schools for base revenue limit
19 cost-of-living increases.

20 (d) (1) If appropriated funding is insufficient to pay all claims
21 made in any fiscal year pursuant to Section 37252 or 37252.5, the
22 superintendent shall use any available funding appropriated for the
23 purposes of reimbursing school districts pursuant to Section 37252
24 or 37252.5, or subdivision (d) of Section 37253.

25 (2) If appropriated funding is still insufficient to pay all claims
26 made in any fiscal year pursuant to Section 37252 or 37252.5, the
27 superintendent shall use any available funding appropriated for the
28 purposes of reimbursing school districts for supplemental
29 instruction in the prior fiscal year.

30 (3) If appropriated funding is still insufficient to pay all claims
31 made in any fiscal year pursuant to Section 37252 or 37252.5, the
32 superintendent shall use any available funding appropriated for the
33 purposes of reimbursing school districts for supplemental
34 instruction in the current fiscal year.

35 (4) *Thirty days before the superintendent uses available*
36 *funding pursuant to this section, the superintendent shall notify the*
37 *Director of Finance. The notice shall specify the dollar amount of*
38 *each claim submitted, identify whether the claim was submitted*
39 *pursuant to Section 37252 or 37252.5, and identify the item of*



1 *appropriation, including any schedule, of the specific Budget Act*
2 *from which the claim will be paid.*

3 (5) The superintendent shall notify the Director of Finance that
4 there is a deficiency of funding appropriated for the purposes of
5 Sections 37252 and 37252.5 only after the superintendent has
6 exhausted all available balances of appropriations made for the
7 current or prior fiscal years for the reimbursement of school
8 districts for supplemental instruction.

9 (e) Notwithstanding any other provision of law, neither the
10 State Board of Education nor the Superintendent of Public
11 Instruction may waive any provision of this section.

12 SEC. 6. Section 42239.1 of the Education Code is amended
13 to read:

14 42239.1. (a) For the 1999–2000 fiscal year and each fiscal
15 year thereafter, each school district shall be eligible for
16 reimbursement for hours of pupil attendance claimed for intensive
17 reading programs offered pursuant to Article 1 (commencing with
18 Section 53025) of Chapter 16 of Part 28 of the Education Code in
19 an amount up to 10 percent of the district’s total enrollment in
20 kindergarten and grades 1 to 4, inclusive, for the prior fiscal year
21 multiplied by 120 hours, multiplied by the hourly rate for the
22 current fiscal year determined pursuant to subdivision (c) of
23 Section 42239. This amount shall be provided in addition to
24 amounts claimed pursuant to Sections 37252, 37252.5, ~~35252.6~~
25 ~~37252.6~~, and 37253.

26 (b) When expending funds received pursuant to this section, a
27 school district shall give first priority for the purpose specified in
28 paragraph (1) of subdivision (c) of Section 53027.

